

## REMARKS

### **I. Introduction**

In response to the Office Action dated August 8, 2007, Applicants have amended claims 1, 2, 8, 9, and 11 to more particularly point out and distinctly claim the subject matter of the invention. Claim 10 has been canceled. Care has been taken to avoid the introduction of new matter.

Applicants note with appreciation the indication that claims 2 – 7 would be allowable if rewritten in independent form. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

### **II. Claim Rejections Under 35 U.S.C. § 101**

Claims 9 and 10 stand rejected under 35 U.S.C. § 101. The Examiner asserts that claims 9 and 10, which are directed to a task management program, do not fall within the categories of patent eligible subject matter. Claim 10 has been canceled. Applicants have amended claim 9 to recite a computer-readable recording medium having stored thereon a task management program. As a computer-readable recording medium is clearly an apparatus and/or article of manufacture, Applicants submit that claim 9 meets the statutory requirements and respectfully requests withdrawal of this rejection.

### **III. Claim Rejections Under 35 U.S.C. § 103**

Claims 1 and 8 – 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hooman (USP 7,155,716) in view of Chauvel (USP Publication No. 2002/0065867). Applicants traverse these rejections for at least the following reasons.

Claim 1 recites, among other things, a program execution apparatus wherein at least a first-type priority and a second-type priority are set for each task as the plurality of types of priorities having a hierarchical relationship, and the second-type priority is lower in a hierarchy than the first type priority; a storing unit stores a plurality of groups each including identifiers of tasks for which a same value is set as a first-type priority, the plurality of groups are arranged at memory positions in the storing unit in an arrangement sequence determined in an order of the value of a first-type priority set for each group, and the identifiers of the tasks in each group are arranged at memory positions in each group in the storing unit in an arrangement sequence determined based upon a second-type priority set for each task in the group; and a writing unit writes the received identifier, at the memory position in the storing unit determined based upon the received value of the second-type priority in a group including identifiers of tasks for which a first type priority that is the same as the received value of the first-type priority is set. In accordance with this configuration, the present invention is able to properly control the execution sequence of the plurality of tasks for which the same first-type priority have been set based on the second-type priorities.

The Examiner refers to column 6, lines 54 – 59 of Hooman as allegedly disclosing a first and second priority type having a hierarchical relationship. The Examiner admits that Hooman fails to disclose a storing unit and a writing unit, and relies on Chauvel to overcome these deficiencies. However, neither Hooman nor Chauvel, alone or in combination with each other disclose or suggest a storing unit which stores a plurality of groups as recited in the amended claim nor a writing unit which writes the received identifier as recited in the amended claim. In Hooman, the execution sequence of a plurality of tasks for which the same priority is set is determined in order of arrival of the tasks, as is conventionally done. Chauvel also determines

the execution sequence based on the order of arrival of tasks. Neither Hooman nor Chauvel, alone or in combination with each other, disclose controlling the execution sequence of the plurality of tasks for which the same first-type priority have been set based on the second-type priorities.

Accordingly, as each and every limitation must be disclosed or suggested by the prior art references in order to establish a *prima facie* case of obviousness (MPEP § 2143.03), and none of the cited references, alone or in combination with each other, disclose or even suggest at least the features recited above, it is respectfully submitted that claim 1 is patentable over the cited references.

Independent claims 8, 9, and 11 includes features similar to those described above in reference to claim 1. As such, these claims are patentable over the cited references for at least the same reasons described above.

Claims 2 – 7 depend from claim 1. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

**IV. Conclusion**

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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